

Claims 10-12 are "product-by-process" claims which are directed to a chassis apparatus which is made by a particular process. Consequently, claims 10-12 are not specifically drawn to a "process of manufacturing skate chassis" as stated by the Examiner. Consequently, the characterization of claims 10-12 by the Examiner also appears to be inappropriate.

Inasmuch as the Examiner's characterization of the claims appears to be inappropriate, it is respectfully requested that the requirement for restriction be withdrawn.

The Examiner also suggests that the inventions are distinct on the grounds that (1) the process as claimed can be used to make other and materially different products or (2) the products as claimed can be made by another and materially different process.

With regard to claims 10-12, these characterizations are completely erroneous.

With regard to the product recited in claims 1-9, it is clear that there is no process involved wherein the question of the product versus the process involved is immaterial, as well.

The Examiner has stated that these "inventions" (so-called) have acquired separate status in the art and should be classified differently and require restriction. For the reasons noted above, the requirement for restriction is clearly inappropriate. Nevertheless, in order to be in full compliance with the requirement for restriction, Applicant elects claims 1-9 for further prosecution. This election is made WITH TRAVERSE!

The Examiner further states that the application contains claims directed to patentably distinct species, namely Species I - A Frame Chassis (Figure 3) and Species II - Square Frame Chassis (Figure 4).

The Examiner suggests that there is no generic claim. It is respectfully submitted that claims 1-4 and 7-12 are clearly generic claims which cover both of the alleged species.

In point of fact, the only claims which are not generic are claims 5 and 6 which are directed to so-called Species II and Species I, respectively.

Moreover, it is clear that the distinctions between the alleged species is the respective angle or relationship of portions of the sides, viz. whether they are substantially parallel or slightly inclined toward each other.

It is submitted that these inventions and claims are not patentably distinct. Nevertheless, in order to be in full compliance with the Office Action, Applicant selects, WITH TRAVERSE, Species II which is covered by all claims except claim 6.

The Examiner notes the telephone call of April 3, 1998. Applicant's attorney did provide a return telephone call to the Examiner as promised. The gist of the above response was left on a voice mail message. Evidently, the telephone message/election was not received in a timely fashion by the Examiner. This circumstance is regretted.